



# City of Harrisonburg, Virginia

## Planning Commission Meeting

January 11, 2012

7:00 p.m.

Regular Meeting  
409 South Main Street

1) **Call to order, roll call, determination of quorum, and review/approval of minutes from the December 14, 2011 regular meeting.**

2) **New Business**

*Zoning Ordinance Amendments – Parking Lot Landscaping Ordinance*

Public hearing to consider a request to modify several sections of the Zoning Ordinance. The amendments include: adding new parking lot landscaping regulations within Article G that would require, among other things, landscaping borders, landscaping islands, required vegetation planting, and landscaping plan submittals; to amend Section 10-3-11 to require the completion of, or the posting of an approved surety for, all required improvements prior to receiving a certificate of occupancy; to amend Section 10-3-17 to add a new subsection requiring the submission of details in the comprehensive site plan review that shows how landscaping requirements will be met; to add several definitions to Section 10-3-24 related to the parking lot landscaping regulations; to remove subsections within 10-3-25 related to the existing landscaping regulations; to amend Section 10-3-84 (7) to remove the distinction between public and private parking lots and to remove parking garages as a by-right use; to add a new subsection to Section 10-3-85 to add parking garages as a special use permit within the B-1 zoning district; and to add new subsections to Sections 10-3-56.3, 10-3-57.3, and 10-3-58.3 that adds parking lots and parking garages as uses permitted by-right within the R-6, R-7, and MX-U zoning districts, respectively.

3) **Unfinished Business**

4) **Public Input**

5) **Report of secretary and committees**

*Proactive Zoning*

6) **Other Matters**

*Zoning Regulations Regarding Telecommunications Facilities*

*Review of 2011 Annual Reports*

7) **Adjournment**

Staff will be available Monday February 6, 2012 at 4:30 p.m. for those interested in going on a field trip to view the sites for the February 8, 2012 agenda.

**MINUTES OF HARRISONBURG PLANNING COMMISSION**  
**December 14, 2011**

The Harrisonburg Planning Commission held its regular meeting on Wednesday, December 14, 2011, at 7:00 p.m. in the City Council Chambers, 409 South Main Street.

Members present: Charles Chenault, Judith Dilts, MuAwia Da'Mes, Alan Finks, Deb Fitzgerald, Bill Jones and Henry Way.

Members absent: None.

Also present: Stacy Turner, Director of Planning and Community Development; Adam Fletcher, City Planner; Alison Banks, Planner and Secretary.

Chairman Jones called the meeting to order and determined there was a quorum with all members in attendance. He then asked if there were any corrections, comments or a motion regarding the minutes from the November 9, 2011 Planning Commission meeting.

Mr. Chenault moved to approve the minutes from the November 9<sup>th</sup> Planning Commission meeting.

Mrs. Fitzgerald seconded the motion.

Commissioner Finks and Chairman Jones abstained from voting because they were not in attendance at the November 9<sup>th</sup> meeting.

All voted in favor of approving the minutes. (5-0)

**New Business**

***Rezoning – 136/152 West Elizabeth Street (M-1 to B-1)***

Chairman Jones read the request and asked staff to review.

Mr. Fletcher said the Comprehensive Plan designates this area as Mixed Use Development. This designation includes both existing and proposed new mixed use areas. These areas are intended to combine residential and non-residential uses in planned neighborhoods where the different uses are finely mixed instead of separated. These areas are prime candidates for "live-work" and traditional neighborhood developments. Live-work developments combine residential and office/service uses allowing people to both live and work in the same area, which could be combined in the same building or on the same street. The gross residential density in areas outside downtown should not exceed an average of 15 units per acre, though all types of residential units are permitted: single family detached, single family attached and apartments. Apartments are permitted only if single family detached and/or attached units are also provided and together cover a greater percentage of the project site. Residential densities in downtown may be higher than an average of 15 units per acre, and commercial uses would be expected to have an intensity equivalent to a Floor Area Ratio of at least 0.4, although the City does not measure commercial intensity in that way.

The following land uses are located on and adjacent to the property:

- Site:** Lot comprising a 20,000 +/- square foot vacant building and an additional undeveloped parcel, zoned M-1
- North:** Vacuum repair shop fronting West Wolfe Street, zoned M-1
- East:** Across Norfolk Southern rail line, commercial uses, zoned B-1
- South:** Across West Elizabeth Street, parking lots, zoned M-1

West: Parking lot, zoned M-1

The Fairfield Center is requesting to rezone two lots comprising of roughly 35,500 square feet of lot area from the M-1, General Industrial District to B-1C, Central Business District conditional. The properties are located along West Elizabeth Street, adjacent to the Norfolk Southern rail line. The larger lot includes an approximate 20,000 square foot building, addressed as 136 West Elizabeth Street, most recently used as storage and previously the location of the Coin and Gift Shop. At one time, the building housed the Wampler Feed and Seed Company business. Although Blacks Run is nearby, this property is not located within the floodplain.

As described within their submitted documents, the Fairfield Center hopes to renovate this building to provide a location where non-profit, and for profit, organizations and businesses could share space including meeting rooms, conference space, and reception areas. It is their vision that each organization or business would share ownership of the property.

By-right, the B-1 zoning district has no parking requirements, no setback regulations, and maximum height allowances of up to 75 feet in height. As the applicant was requesting a rezoning for two lots which could be sold separately, staff was very concerned about how a rezoning could impact the City's downtown, especially downtown parking demands. If these parcels were zoned B-1, multi-use, multi-story buildings could be erected with no consideration to onsite parking, relying only on the existing downtown parking resources. Knowing that the City already has limited public parking, staff did not want to place further strain on that issue.

However, after meeting with the applicant, staff learned they had already met with representatives of Virginia's Department of Historic Resources to begin their process in working toward obtaining tax credits for historic rehabilitation to help offset the cost of the renovation to the building. Staff was pleased to learn they were preserving the historic building, but further satisfied with the development plans for the property because the strict rules associated with obtaining those benefits indirectly limits what can be done to the structure and the overall magnitude of the building. During the meeting, staff explained the significant concern of the parking constraints, a concern for almost any rezoning in the City's downtown to the B-1 zoning district, and that rezoning property to B-1 without consideration to parking places the City in a very difficult position, potentially leaving the burden of providing parking for private uses on the City's tax payers.

In learning of staff's parking concern and in explaining how they already intended to provide parking for the planned organizations knowing the importance of having nearby parking for their business and clients, the applicant submitted the following proffer:

- The use of tax map parcel 35-S-19 will be limited to parking.

With the submitted proffer, if approved, the zoning of these properties would restrict the use of the undeveloped parcel to only parking, but all permitted uses within the B-1 district could operate within the existing building (on tax map 35-S-6). It should be clearly understood that the rendered drawings and proposed arrangement of the building and parking lot are not proffered. Essentially, these documents demonstrate only the feasibility of having such a layout.

As noted above, the recently adopted Comprehensive Plan now designates both of these properties as Mixed Use Development Areas (MUDA) (the previous Comprehensive Plan designated the lot with the building as MUDA but the undeveloped lot was designated Neighborhood Residential). Generally, the MUDA Land Use Guide designation most closely resembles the characteristics of the B-1 zoning district. Having such a designation, however, does not automatically mean that all rezoning requests to the B-1 district conform to the Comprehensive Plan, but in this particular case, staff believes it helps.

This entire block of West Elizabeth Street is designated MUDA, and therefore, the subject property falls well within the area the City is promoting for mixed-use-type development and generally for continued growth. Such development, at this location, is very positive as it provides economic and social vitality in the City's core. Furthermore, approving the proposed rezoning preserves and protects environmental and cultural resources while also promoting traditional neighborhood development, where such space is pedestrian friendly, near mass transportation options, and focuses on live-work-type environments.

Staff supports Fairfield Center's request to rezone the subject properties from M-1 to B-1C.

Chairman Jones asked if there were any questions for staff. Hearing none, he opened the public hearing and asked the applicant or applicant's representative to speak.

Mr. Tim Rubeke, Executive Director at the Fairfield Center, said we think this is a great project; not only for our purposes, but for the community in general and the other non-profits that may come to the building. I am asking that you approve the staff's recommendation in favor of our request. We are here to answer any other questions that you may have, but first, I would like to give you the opportunity to hear some comments from the Fairfield Center's President of the Board.

Mr. Tom Domonoske, President of the Board of Directors for the Fairfield Center, said the history of this building is one of the things that excite us about the property. There is a tablet at Rockingham Memorial Hospital (RMH) that is dedicated to William G. Leake, who passed away in 1908. The reason I am talking about him is because he originally built the front, two-thirds of this building and this is where he operated his building supply and store. He made his living from the activities that took place in his building. Mr. Leake died from blood poisoning due to an injury to his foot in 1908. There was nowhere for him to receive treatment in the Valley and he had to travel to Charlottesville, where he was told they would need to amputate his leg and he might survive. He decided to return to Harrisonburg and before he passed away he founded RMH by leaving his estate in order to build a hospital in Harrisonburg. In his will is a quote, "Well knowing from my own experience the great need of the community in which I live, of an institution in which the afflicted may receive proper care and intention, and be relieved and comforted in their bodily sufferings." Because of his actions, others joined together to donate funds and ultimately RMH was constructed. After Mr. Leake's death, his building was purchased by the Wampler Feed and Seed Company.

What we would like to do with the Fairfield Center is to bring back the history of this building, and the service to our community by involving many non-profits who may come into this project as owners. A permanent place for them in the downtown area where their constituents can come for services; still fulfilling William G. Leake's idea of caring for the community. To accomplish this

we need you to approve our request for the rezoning from M-1, which would allow the manufacturing of various things, to B-1, which would allow for a building that creates community space here. If there are any questions, we would be happy to answer them.

Dr. Dilts said I have to admit that I do not know what the Fairfield Center is or does. I meant to look it up, but did not get the chance.

Mr. Rubeke said the Community Mediation Center, now doing business as the Fairfield Center, was established in 1982 as a non-profit, with the mission of focusing on conflict resolution services and training. When people are in conflict we help them work it out. We also provide training to people who want to better handle communication and miscommunication, in order to prevent conflict. We have a number of programs geared to helping people to listen better, and arrive at solutions that they think fits them the best. More than half of our cases come directly from the courts and we have a very good relationship with the judicial system. The remainder of our cases come from previous clients, word of mouth, and other sources.

Dr. Dilts asked if the Fairfield Center was grant supported and donation supported.

Mr. Rubeke replied we have donations, grants, and some fees for services. We do fund raising events. The training we offer is also a revenue generating source for us.

Chairman Jones asked if there were any further questions. Hearing none, he asked if there was anyone else wishing to speak in favor of the request. Hearing none, he asked if there was anyone wishing to speak in opposition of the request. Hearing none, he closed the public hearing and asked Planning Commission for discussion.

Mr. Way said I think this is a very good option for adaptive reuse of a property. It seems appropriate considering the history of this building; I did not realize the history of the original owner. I think we should be encouraging this type of sensitive and productive adaptive reuse.

Mr. Da'Mes agreed with that statement and reiterated the thought of rehabilitating a building that has been abandoned for as long as this is extremely appealing. While we take rezoning as a very serious matter, I think this is a perfect fit and I am enthusiastic to offer a motion to recommend approval of this request with the proffer.

Mr. Finks seconded the motion.

Chairman Jones said there is a motion and a second, is there any further discussion. Hearing none, he called for a voice vote on the matter.

All voted in favor of the motion (7-0) to recommend approval of the rezoning request from M-1 to B-1 with the proffer.

Chairman Jones said this item will move forward to City Council on January 10, 2012.

### ***Capital Improvement Program***

Chairman Jones said the next item on the agenda is the Capital Improvement Program (CIP). He then asked staff for review.

Mr. Fletcher said staff does not have a formal presentation; however, I would like to make one clarification regarding a question for Public Works about four projects, numbers 65, 66, 68, and 71, all of which were sanitation and landfill related items. The question came up as to where do these projects come from, they seem to have just appeared from nowhere. What has happened was a

transition in the way the CIP was structured regarding Public Works; there used to be a Sanitation Fund. In last year's Sanitation Fund those four projects were listed as page numbers 99, 100, 101, and 114, respectively, and they are very similar to what is proposed in this year's CIP, with some slight fluctuation in potential costs, in the General Fund.

Mrs. Turner said Department personnel are here to answer questions. Just remember these are all items that are \$30,000 or greater and not routine expenditures. This is a budgeting tool, and not part of the budget; anything that would be funded by the budget would still need to go through the normal process. This is a helpful tool in preparation of the budget, to have an overall view of what might be needed.

Chairman Jones asked if there were questions from Planning Commission.

Mr. Finks said I have a couple of questions regarding traffic lights. Starting on page 21, it identifies for next year a light at Liberty Street and Acorn Drive; Virginia Avenue and Acorn Drive; and Stone Spring Road and Beery Road. Has there been a study on this? What is the reasoning behind these three lights, because we have been attempting to go the other direction with keeping traffic lights out of the traffic pattern if possible?

Mr. Jim Baker, Director – Public Works Department, said the signals that are proposed here are signals that are determined to be a need due to the traffic volumes on the primary roads and secondary streets that intersect them at these locations. There is an evaluation that is done to determine what type of delay there is, it is called a warrant study, and we do those for every signal that is in the City. We have been known to take signals down and the same warrant study is done for that process too. Warrant studies are based on traffic volumes, the impact of delay from the side streets entering the intersection, safety concerns, accident frequency, pedestrian and school bus traffic are all taken into consideration before we make a recommendation for a signal. Some of these intersections that are recommended a few years out may not be warranted now, but based on the volumes we are seeing we believe we need to prepare for it.

Mr. Finks said these three are all proposed for 2013.

Mr. Baker said they are all warranted.

Mr. Finks said thank you; that sounds reasonable to me.

Mr. Da'Mes asked about the signaling device on traffic lights for emergency vehicles.

Mr. Baker said yes, that is called pre-emption for emergency vehicles. All new signals installed have the pre-emption system with them and we have been working with the Fire Department on retrofitting some of the existing streets.

Mr. Da'Mes asked what would be the timeline to get a majority of the signals done.

Mr. Baker replied that depends on how much the Fire Department can help us with the financing of these devices.

Mr. Da'Mes said I did not see it in the CIP.

Mrs. Turner said it is on page 3, under the Fire Department and not Public Works.

Mr. Way said I am seeing a few projects about widening roads and putting in medians within South Main Street; has there been any discussion about installing landscaping within those medians?

Mr. Baker said that street widening project is in conjunction with James Madison University (JMU) and that would be, if constructed, supported by JMU and it would have landscaping within it.

Mr. Da'Mes said I noticed that the annual street paving program is significantly higher in 2014, what is the reasoning behind that?

Mr. Baker replied we do an annual paving evaluation of all of the streets and currently we are lagging behind; we have not had enough money to keep up with the current plan of resurfacing primary streets on a schedule of every ten to twelve years, and residential streets every fifteen years. What is happening is, we do our evaluation and we get to a certain year and the volumes are greater so the costs jump up. Also you are seeing some streets, such as South Main Street, are five lanes wide and they come around in the cycle so often that the costs go up.

Mr. Da'Mes said when we do our paving are we subcontracting out everything, or are we using our own facilities.

Mr. Baker said we contract out the entire overlay program. The only paving we do with our City forces would be small parking lots, alleys, or a very small project. We are not outfitted with our staff to do a major overlay project such as the streets.

One of the things we are investigating instead of the conventional plant mix mill overlay operation, where we mill off the top two inches of overlay, is a new type of pavement rejuvenation. With this you apply a liquid spray to the pavement; this is something new to the United States, but has been used in Europe for years. This method could help to stretch the dollars a bit more; we could see this being used next year.

Mr. Finks said I have had a number of people ask me about the location of the Regional Jail facility; where is this site.

Mr. Kurt Hodgen, City Manager, said the facility we currently have downtown does serve as the regional jail. We are certainly not saying it is time to construct a new jail, or an addition to the old; but the possibility is being explored. Other options that would be explored for a facility would be the vacated State prison camp, to the north of town and the possibility of contracting with Shenandoah County at their new Regional Jail Facility. The last thing we want to do is have to expand the jail on the existing site. Twenty years ago it was a good thing to have the new facility built along with the new courts; but if we could, cost effectively, eliminate the downtown jail we would like to do so.

There are many things going on at the State level when it comes to the Regional Jail Facility. I have been reading where other states are taking their prisoners out of the State facilities and in theory that could free up some bed space so that the State inmates currently staying in our facility could be relocated.

Mr. Chenault asked if the State was providing any correctional facility construction funding.

Mr. Hodgen said no. That is another issue, even if we needed to expand the jail facility, the Commonwealth would have to approve it and come up with funding for their share of the facility. We could determine tomorrow that it is needed, but it may take five years before we see the first shovel of dirt turned.

Mr. Da'Mes said I saw an expenditure for Community Services.

Mr. Hodgen said yes, that is another item which floats a year out each time we do the CIP. The City and County share in the costs of the Health Department, Social Services, and Community Services Board and all three of those agencies are out of space. Several years ago we went ahead and put a project in for them; again it is another item that is dependent on State funding support, which is not likely. The plan for this is to have a facility that puts all three of the agencies under one roof, at property on North Main Street, currently occupied by the Community Services Board. They actually have enough space for what we presume would be two, multi-story buildings, with parking and would serve all of those agencies. This is another expenditure that we hope does not need to be made in the near future and would again be dependent on some outside support.

Mr. Da'Mes said I am trying to understand about Tower 1 being sold and replaced.

Mr. Hodgen said what the City has done over the years when we buy the more expensive fire apparatus is a lease purchase agreement with the equipment contractor, we then pay it off over the three years of the lease. There have been times when we just purchase right up front without the lease. It just depends on the financial circumstances at the time.

Tower 1 is a particular piece of equipment that is not all that old, but we have not had good success with it. Certainly, with the number and kind of calls that we have in the City, we need a reliable piece of equipment.

Mrs. Fitzgerald said she was curious about the Heritage Oaks replacement equipment; was the big increase in the replacement budget from the Master Plan or from the Golf Course Committee or other. This cost is almost doubled.

Mr. Lee Foerester, Parks and Recreation Director, said we try to update the replacement figures with the manufacturer yearly. There is an engine that we are aware is coming down and it may come this year or next year, either way it would add significantly to the price of those types of replacement equipment. Another difference from last year is we only projected three years out, we have now projected five years out, which adds close to \$95,000 to the overall budget costs.

Chairman Jones asked if there were any further CIP questions for the Departmental personnel. Hearing none, he asked Planning Commission if they had any further comments.

Mr. Chenault recommended forwarding the CIP, as is, to City Council for the January 10, 2012 Council meeting.

All voted in favor (7-0).

***Subdivision Ordinance and Zoning Ordinance Amendments Associated with the UDA Grant Project***

Chairman Jones read the agenda item and asked staff to discuss.

Mr. Fletcher said in completing the work associated with the awarded Virginia Department of Transportation (VDOT) Local Assistance Grant for Urban Development Areas (UDAs), staff is proposing multiple City Code amendments to align subdivision and zoning regulations with the City's Comprehensive Plan. As listed above, there are nine sections of the Subdivision Ordinance and 20 sections of the Zoning Ordinance that staff is proposing to amend.

These amendments would not only fulfill the requirements of the VDOT grant, but it would successfully execute several recommended strategies of the Comprehensive Plan, listed within the UDA section in Chapter 5 (page 5-10). In brief, these recommendations include promoting the development of mixed residential and mixed-use areas, and to develop a zoning approach to require,

permit, and/or provide incentives for the development of low density and medium density mixed residential neighborhoods, live-work neighborhoods, and traditional neighborhood development (TND).

To be clear, these amendments would not create more regulations or requirements for developments; rather, they would afford more flexibility for property owners/developers. For many sections, the amendments simply add language that clarifies or further promotes developments to be of traditional neighborhood design. The most significant amendment is within the off-street parking regulations of Article G. That amendment creates more options and flexibility for developments to share parking.

Although not being reviewed by Planning Commission as it is not required, staff is also proposing amendments to the Design and Construction Standards Manual. The intent of those amendments is similar to the objectives of the modifications for the Subdivision and Zoning Ordinances. The proposed amendments to all three regulatory texts will be presented to City Council next month.

And with that being said, I will hand over tonight's presentation to Milton Herd of Herd Planning and Design, LTD, a consultant hired through the VDOT grant.

Mr. Milton Herd said it is nice to be back before you again, I believe we were here in March and since that time a lot of work has been done. You have updated your Comprehensive Plan and we have been working with staff on developing these ordinance amendments. As stated earlier, these are ways you might be able to refine your ordinances to create better opportunities, or reduce snags, to building developments that are walkable and pedestrian oriented. Your ordinance is already very far along in that effort. You are a City and you have a long history of urban type development that is accommodated within your ordinances; for example the B-1, Central Business District. We looked at your Mixed Use District and some other districts that perhaps some refinements could be done to make them more attractive.

I have a short series of slides to review some of these proposed amendments which I would like to review with you and then take any questions you may have.

As previously eluded to, the idea was to look for ways to refine all the land development regulations; to be able to encourage a more compact, walkable mixed use environment. Again, it is worth noting that while this particular part of the work is part of the VDOT grant, it was not required by the UDA State Legislation. This effort is a follow-on to that legislation, initiated by VDOT through a grant program to help localities go one step further, it was not a requirement of the State; however, it is a requirement of the grant program to do something at this point.

Mr. Herd continued saying there are two pieces here, the first is proposed amendments to the subdivision regulations and the other is amendments to the Zoning Ordinance. Within the Subdivision Ordinance, the first section regarding purpose and intent, we are proposing additional language that really ties the purposes to the Comprehensive Plan with things like promoting economic reuse of funds, protecting environmental quality and specifically mentioning promoting pedestrian and bicycle friendly streets. You will also notice several housekeeping items throughout both of these documents; and this second section is one of them. We are changing the term Major Street Plan to Master Transportation Plan throughout, simply because that is the most current term that the City is using.

Under Section 10-2-1 we have also added a definition of variance, because that is used throughout the Subdivision Ordinance and this language is taken almost literally from the State Code. But we

also added language to include the interpretation of the standards when something justifies a variance in order to achieve the goals and policies of the Comprehensive Plan.

Within Article C, Design Standards, there was a housekeeping item to simply call that section Streets, because it is inclusive of all the things having to do with streets, alleys, easements, blocks, sidewalks, etc. Additional language was added to allow variances on a case-by-case basis, by the City Council when the variance would achieve a more desirable, walkable environment. Also under Design Standards, there is a proposal to delete items that are redundant with the Design and Construction Standards Manual (DCSM).

Mr. Herd continued saying in terms of changes to the Zoning Ordinance, we discovered a few opportunities to increase flexibility; it is a very light change, including some housekeeping changes. The first item was to just update the list of zoning districts. A definition was added for drive-thru facilities so that it could be distinguished from the various types of uses that it could be attached to; that is so you can treat them separately for times when you are concerned about walkability and pedestrian environment.

Within Section 10-3-26, regarding parking location, an interesting thing involved here is the idea of trying to promote shared parking. One of the potential barriers we saw was that the current standards require a permanent easement between the agreeing parties to share the parking; I suspect that could be an impediment for some. Therefore, we suggest modifying language to remove that easement requirement and added additional language that would require that the agreement be enforced as long as the uses are substantially the same. We believe this would be helpful to people that want to enter into this type of shared parking arrangement. We have also created a table that provides a simple way of calculating potential parking reductions on a very consistent basis; this could be done by the Zoning Administrator, rather than having to go through Planning Commission. We kept the language that would allow Planning Commission to grant further reductions in parking based upon other factors.

There were various refinements to several of the districts. In the R-5, High Density Residential, we added the language "connected roads and walkability" to the purpose section of that article. We also reduced the front yard minimum setback requirement within this district to ten feet. In the R-6, Low Density Mixed Residential Planned Community, we added to the purpose section under open spaces, "spatially defined by abutting building facades and/or landscaping elements." The idea here is to encourage people to think about creating open space that is meaningful and part of the urban fabric and not just leftover drainage areas. Also added within the Purpose section under off-street parking is additional language to minimize the visual impact of off-street parking and garages through location, form, and screening. Again, these are all purposes, so if you had a rezoning you could rely on these to judge the proposal.

We added a refinement to the permitted use and special use lists so that drive-thru is excluded from uses unless approved by a special use permit. Also in R-6, we added language that provides for amendments to the project master plan by an owner of a single parcel. Anytime you have a planned development and over time parcels get sold off, it becomes a challenge, sometimes, to create amendments. Therefore, we prepared language to deal with that and language that clarifies the level of conformity that you need for the master plan. We are suggesting a five percent variation in dimensions on the master plan; that way, you have some flexibility from your conceptual plan, but you cannot be too far off, otherwise it would require a plan amendment. These same type of

changes in the R-6 are proposed for the R-7, Medium Density Mixed Residential Planned Community.

Mr. Herd continued stating that within the MX-U, Mixed Use Planned Community District, which is a really good district and has a lot of potential, we did have a few items that we thought might be advantageous for change. We added language within the purpose regarding open space and visual impacts in conformity to the master plan. A significant, but not huge, increase in the maximum density from fifteen to twenty dwelling units per acre; it gives the district a bit more potential value and long term support of mixed use areas. We also clarified that the fifteen percent open space requirement for the total tract does not have to apply to every parcel. This is more of an interpretation that seems very logical, and this statement codifies it.

Within Article T, Modifications and Adjustments, Section 10-3-115, language was added regarding location of walls and fences such that they do not impede sight distance at entrances and intersections, in accord with the DCSM. This is a good rule regardless of your concerns about walkability; it does enhance safety for both the driver and pedestrian.

That is basically it, as you can see these are relatively minor suggestions and changes; but we believe they would be helpful to you. These have been the result of us working closely with staff and combing through the ordinances and looking for snags that might be impediments, based upon our fresh reading of the regulations and staffs experience on it. If you have any questions or comments I would be happy to answer them at this time.

Mrs. Fitzgerald said I have a question, but it may be more for staff. Mr. Herd talked a bit about the visual impact of parking and how some of the changes in the ordinances will address that, are all of those changes in line with our plans for the parking lot landscaping plan?

Mr. Fletcher replied yes; but, this language is more encouraging language and not requiring those things. These changes encourage parking to go behind buildings or to be landscaped.

Mrs. Turner said it is not in conflict with any proposed parking lot landscaping ordinances.

Mr. Way said the changes made to the parking location and shared parking arrangements has me wondering if there has been any studies regarding parking in Harrisonburg and total potential parking demand and actual number of spaces currently available in the UDA area of downtown Harrisonburg.

Mr. Fletcher said I cannot tell you exactly what the study was, but there was a study for the downtown area and parking demand. I do not believe it included all of the UDA area; it was more of the B-1 area only. The shared parking table that is proposed in the changes does open up possibilities for different uses; but, for the B-1, it is a bit different. There are no parking regulations within B-1, so sharing and private agreements may already be occurring. In a B-2, area it provides the opportunity to meet the requirement that previously could not be met.

Mr. Way asked if the current sense was that there is a parking shortage downtown.

Mrs. Turner replied yes. There was a parking study done by Harrisonburg Downtown Renaissance within the past two years. They looked at peak demand and what was the usage during peak demand and there was overall consensus that we probably need additional parking in the downtown area. They had some theory based upon the center of town and how far people are willing to walk. They did not provide any hard suggestions as to how many spaces are needed and by what date. We can probably locate a copy of this study and provide it to you.

Mr. Herd said if you have a dense, vibrant mixed use downtown I think you probably have fewer opportunities for benefitting from shared parking. What the shared parking does is allow you to make the most efficient use of the parking you have so that you do not have vacant parking, even at peak hours. If you have a lot of activity in a small area you are probably going to use every bit of parking. But in theory, having the shared parking available as a tool should allow you over time to use whatever you have most efficiently.

Mr. Fletcher said to give you a small scale example of shared parking, consider the old Whetsel Seed building where Union Station is. During the day the restaurant is not necessarily that busy, but the parking is filled by the four, or so, businesses that occupy that complex. In the evening it turns over; the businesses close and the restaurant business picks up.

Mr. Fletcher said if we are ready to move on from parking I would like to discuss another topic that Mr. Herd brought up tonight – the five percent flexibility in master planned communities. I just want to reiterate the importance of this change. We have already witnessed this with one of our planned communities, Brookside Park. That community has been in for minor changes to that plan and our ordinance does not provide us the authority to grant those changes without a rezoning. We hope this language will give us the flexibility to do so.

Mr. Da'Mes asked what five percent is and how do you measure five percent.

Mr. Fletcher replied the five percent is related to how much the plan is changing. For example, if it shows a ten-foot setback for buildings and now the developer wants nine-foot setbacks instead.

Mr. Herd said it could deal with the location of a street and shifting it slightly.

Mr. Fletcher said it is up for interpretation; but, it does give us the administrative ability to grant a change.

Mr. Herd said over time you will build a record of interpretation and sort of begin to define it by your actions. The Zoning Administrator would want to keep a good record of those interpretations, because it will begin to evolve.

Dr. Dilts said I like the teeth you put in for creating the quality of life and pedestrian and bicycle friendly environments.

Mr. Herd said that gives Planning Commission and staff a little leverage.

Chairman Jones said this is opened as a public hearing for both the Subdivision and Zoning Ordinance amendments and asked if there was anyone wishing to speak in favor of the amendments. Hearing none, he asked if there was anyone wishing to speak in opposition of the amendments. Hearing none, he closed the public hearing and asked for Planning Commission for discussion or a motion.

Mrs. Fitzgerald moved to approve both the Subdivision Ordinance amendments and the Zoning Ordinance amendments.

Mr. Way seconded the motion.

Chairman Jones called for a voice vote on the motion.

All voted in favor (7-0) of recommending approval of the amendments to the Subdivision Ordinance and the Zoning Ordinance.

Chairman Jones said this will move forward to City Council on January 10, 2012.

**Unfinished Business**

None.

**Public Input**

None.

**Report of secretary and committees**

Mrs. Banks said proactive zoning inspectors visited the Preston Heights area of the City this month where they found one violation. That violation was an accessory structure placed in the front yard, which is illegal; as well there was no building permit for the structure. Next month zoning inspectors will be in the Wyndam Woods area, which also begins the fourth round of the three year proactive zoning cycle.

Chairman Jones said while we are on the subject of violations, I want to extend a thank you to the staff personnel in Community Development that took care of the open sewer line trench that was in my neighborhood. It had been open for quite some time and I believe it was Wayne who acted on the complaint to ensure that it was filled; I certainly appreciate it.

Mr. Finks said once again I have been accosted by a number of city residents regarding the number of people that are living in houses in certain sections of the City. I just want to pass along that people are griping and complaining again. I do not know what brought this on, but I did get peppered with it because I was supposed to have all the answers. All I could say was that we just do not have the staff to cover all of it.

Mrs. Turner said we are probably not going to know about it unless they care to call our office and give us the information that would lead us to ask questions of a property owner. Many times people call in and say "I believe students are living down the street from me," we do not have a regulation that says students cannot live down the street. We may have a regulation that does not allow six of them to live together down the street; but, we need to have the information as to why someone feels the six students are there – are there cars parked there every morning with frost on the windows, have you spoken to one of the students to confirm that six live there, we need the information so that we can make the inquiry. Please, tell people to call our office, we have the manpower to look into this.

Chairman Jones said if I recall correctly we discussed this type of situation about two years ago and some other localities used two indicators to help verify occupancy. One was water usage and the other was refuse collection.

After learning that, in fact, only one person had contacted Mr. Finks he said, I just did not have the answers for this person, but now I feel I can just tell him to contact your office.

Mr. Chenault said I just wanted to give a quick update from Council last night. The special use permit for the VMRC fence, the fitness center on Red Oak Street, and the communications tower on Reservoir Street were all approved. We were asked if we would proceed to consider developing some type of separate cell tower ordinance and take it out of the zoning process. I told City Council that we had discussed that and we would probably go in that direction. I learned a lot last night; I felt the person that was presenting the request was much more knowledgeable about these issues than the gentleman at Planning Commission. It was rather obvious that with the development of the 4G technology and so forth, the weight of the transmitters that are going on these towers are becoming extremely heavy and prohibits co-location on buildings and certain other locations.

There are going to be more of this type of request coming before us, rather than less and we need to perhaps take a look at our ordinances.

Mr. Fletcher said in knowing that this request to look into a separate ordinance was coming, staff discussed preparing a report regarding our current communication tower regulations, to help clarify any confusion you may have about how telecommunications towers currently operate in existing zoning classifications. What staff will strive to do is provide you with a brief report that explains what zoning districts allow such, how it is allowed, and so on. Then we can discuss how we may want to move forward.

Chairman Jones said would you please provide a map showing all current locations.

Mr. Fletcher said I think we can accommodate that as well.

Mrs. Turner said we can provide a map showing locations that Planning Commission and Council have approved, but we do not have a data base that would allow us to locate all towers and co-locations installed by right.

Mr. Chenault said I would like to see how other localities, of comparable size, handle communication towers and co-locations.

Mr. Fletcher said we have done some of that in the past, because this topic was looked at about three years ago.

Mr. Finks said back to the 4G technology when going to 4G technology, are there towers that would no longer be used.

Mr. Chenault replied that the towers would still be used, but they could not have all the co-locators as previous because of the transmitter size and weight for 4G technology.

Mr. Way said we are talking about an ordinance that is very technological, which I feel as a layman I do not necessarily understand completely. I would like to know how the technological dimension would be accommodated into an ordinance.

Dr. Dilts said when researching all of this information with other localities, check again about alternative forms that these towers can take, for example the pencil tower that I mentioned last time.

Mr. Fletcher said we can definitely find out about these things, what we would not be able to do is know the expertise and technology behind that type of structure, but we will do what we can. We hope to at least have to you a report regarding communication towers within the current zoning regulations. We will continue to work towards researching the other information.

Mr. Fletcher continued by saying we had no applications turned in for next month, which actually worked out quite well, because we are bringing forward the parking lot landscaping material. However, we are going to meet one more time with some internal, departmental staff to review it again and work out any last minute kinks. As long as this meeting goes well, it should be advertised for public hearing for the January 11, 2012 meeting.

### **Other Matters**

#### ***Election of Officers***

Chairman Jones said the floor is open for nomination of officers for 2012.

Mr. Finks nominated Bill Jones for Chairman.

Mrs. Fitzgerald seconded.

Mr. Jones accepted the nomination.

There were no further nominations and all members voted in favor of Bill Jones serving as Chairman of the Planning Commission for 2012.

Chairman Jones asked if there were any nominations for Vice Chair.

Mr. Finks nominated Deb Fitzgerald for Vice Chair.

Mr. Da'Mes seconded.

Mrs. Fitzgerald accepted the nomination.

There were no further nominations and all members voted in favor of Deb Fitzgerald serving as Vice Chair of the Planning Commission for 2012.

Chairman Jones said for the office of secretary, which is usually a default position, but still needs a nomination.

Mr. Da'Mes nominated Alison Banks for the office of secretary.

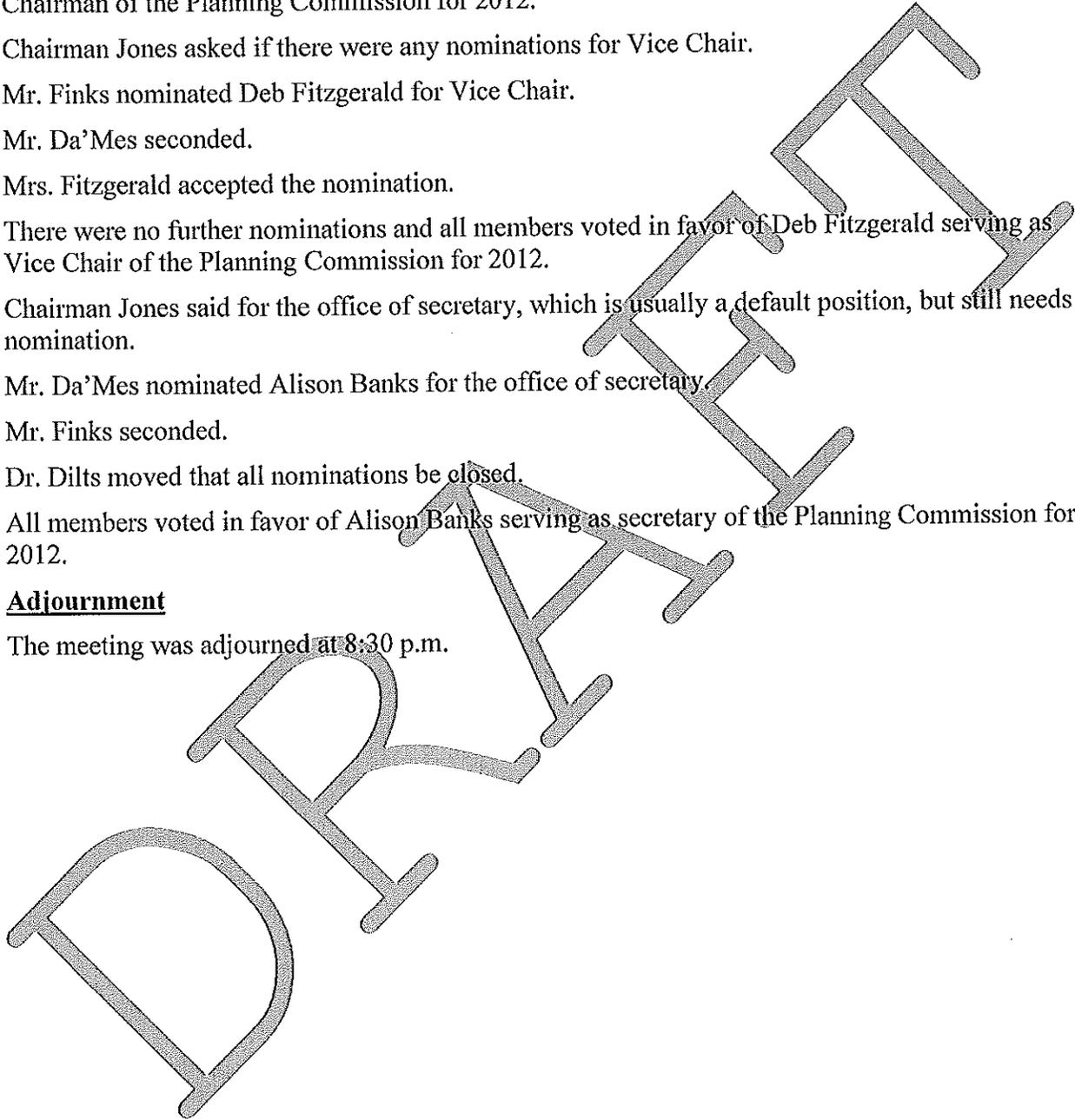
Mr. Finks seconded.

Dr. Dilts moved that all nominations be closed.

All members voted in favor of Alison Banks serving as secretary of the Planning Commission for 2012.

**Adjournment**

The meeting was adjourned at 8:30 p.m.





# City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

## STAFF REPORT

January 11, 2012

### **Proposed Parking Lot Landscaping Ordinance and Related Ordinance Amendments**

Staff is proposing new parking lot landscaping regulations be inserted in Article G of the Zoning Ordinance. In addition to these regulations, staff is also proposing other related Zoning Ordinance amendments should the landscaping regulations be accepted. Associated with the proposed landscaping ordinance language, staff designed two CAD (Computer Aided Design) drawings demonstrating example scenarios for most of the proposed requirements. If the parking lot landscaping regulations are approved, these drawings (as mentioned in the proposed ordinance) would be inserted into the Design and Construction Standards Manual (DCSM), where appropriate.

The proposed language includes regulations that Planning staff, from time to time, has worked on for several years. It was not until after the 2011 Comprehensive Plan was adopted that staff worked to bring it forward for adoption. The concept of adopting landscaping requirements has been part of the City's Comprehensive Plan for many years. A strategy in achieving that concept is now listed on the Plan's Priority Implementation Strategies for the First Five Years: The 2011 – 2016 Action Plan; specifically, Strategy 8.4.5 stating "to consider adding street tree planting and other landscape requirements for new development and redevelopment in the City's land use codes."

The proposed ordinance has been reviewed by all relevant City departments; the Harrisonburg Electric Commission (HEC); the City's Downtown Landscape Committee (made up of a landscape architect, landscape designers, and others); and the Executive Officer of the Shenandoah Valley Builders Association (SVBA), who then made it available to SVBA members and its Board. Staff made changes to the proposed ordinance after considering the comments and suggestions offered by the above groups. One change in particular, included reducing the required landscaping island sizes from 162 square feet for single loaded parking bays and 324 square feet for double loaded parking bays to 140 square feet and 280 square feet, respectively; a 15.7 percent reduction in size to what staff was originally proposing.

The proposed ordinance was written to build on the current regulations requiring landscaping of at least 15 percent of the area to be used for parking and maneuvering. The base requirement of 15 percent has not been increased but further provides requirements for ensuring that developments and properties are developing in a way that is consistent with the guidelines of the City's Comprehensive Plan. With the additional requirements, depending upon site characteristics, properties would most likely provide more than 15 percent landscaping areas. The main difference being the proposed regulations would require vegetation to be planted.

The proposed amendments would affect the following sections of the Zoning Ordinance: Certificate of Occupancy (10-3-11), Comprehensive Site Plan Review (10-3-17), Definitions

(10-3-24), Off-Street Parking Regulations (10-3-25), Parking Lot Landscaping (proposed 10-3-30.1), B-1 Uses Permitted By Right (10-3-84), B-1 Uses Permitted By Special Use Permit (10-3-85), R-6 Uses Permitted By Right (10-3-56.3), R-7 Uses Permitted By Right (10-3-57.3), and MX-U Uses Permitted By Right (10-3-58.3).

With regard to the Certificate of Occupancy section, staff is proposing to add a new subsection stating: *Prior to submitting a request for a certificate of occupancy, the owner or developer shall have completed, or posted an approved surety for, all required improvements included on the approved comprehensive site plan, building permit, or revisions thereto.* This amendment would not only ensure that properties are developing in compliance with the proposed parking lot landscaping regulations, but it would apply to all required improvements as approved on comprehensive site plans and/or associated building permits and any of their revisions.

The amendment within the Comprehensive Site Plan Review section would simply add the requirement to show all details for meeting the requirements of the parking lot landscaping ordinance among the list of all of the other items that must be illustrated on the engineered drawings.

Section 10-3-24 is the Definitions section of the Zoning Ordinance, to which staff is proposing to add 10 terms related to the parking lot landscaping ordinance. The terms include: caliper; deciduous shrub; deciduous tree, large; deciduous tree, small/ornamental; evergreen shrub; evergreen tree; landscaping; landscaping island; outdoor display area; and parking bay. Currently, the Zoning Ordinance does not define "landscaping." The proposed definition stipulates that landscaping must be living vegetation and that mulch and/or stone alone would not meet this definition. Other noteworthy definitions include: "caliper," which describes where and how to measure different types of trees' caliper, or diameter of a tree trunk in inches; and, "deciduous tree, large" and "deciduous tree, small/ornamental," defining the size of such trees when planted.

The amendments within the Off-Street Parking Regulations (Section 10-3-25), which is the location of the current landscaping requirements, is to remove the existing regulations and to re-number the remaining subsections appropriately. In eliminating those regulations, the proposal is to add a new Section 10-3-30.1 titled, Parking Lot Landscaping.

As noted above, the proposed regulations build on the existing requirements maintaining that all parking lots shall include landscaping areas equal to at least 15 percent of the total area to be used for parking. In addition, this ordinance would retain counting only landscaping within the parking lot and/or within a 30-foot perimeter of the parking lot toward meeting the 15 percent requirement and would also not permit counting landscaping immediately adjacent (within five feet) to a principle building or the newly required landscaping border adjacent to public street right-of-ways (ROWS).

Although this ordinance is requiring a 10-foot landscaping border, separating all parking lots from public street ROWs is not an entirely new regulation for the City. Currently, the landscaping regulations state, "parking spaces shall be separated from all right-of-way lines and property lines by a landscaped border not less than ten (10) feet in width..." This section continues stating that landscaped borders may be substituted by "appropriate visual elements such as walls or fencing..." The proposed ordinance would now require the 10-foot landscaping border along public street ROWs, but it would retain the allowance to substitute the landscaping

border along side and rear property lines by a wall or fence, and although not currently specified, the new requirements would stipulate walls or fences to be at least three feet in height.

A new requirement includes tree planting within the required landscaping border. The required number of trees is determined by the type and size of tree they would like to plant. Large deciduous trees would be planted for every 40 linear feet of parking lot street frontage, or fraction thereof, and small/ornamental and evergreen trees would be planted for every 25 linear feet of frontage, or fraction thereof. Evergreen tree planting would be restricted to not exceed 50 percent of the number of trees planted within the border. Owners/developers would have the choice of tree type and size along with the flexibility of choosing where (with some stipulations as noted below) to plant trees within the border.

Another regulation within the proposed ordinance, again not an entirely new concept for the City, is the requirement to provide landscaping islands per a particular number of parking spaces. Currently the landscaping regulations within 10-3-25 (4), defining requirements specifically for landscaping for shopping center parking lots, specifies "until the fifteen (15) percent requirement is met, rows of parking spaces shall be divided at intervals of from eight (8) to twelve (12) parking spaces by a landscaped area at least five (5) feet in length." Most developments meet the current 15 percent requirement without having to install this internal landscaping. The proposed ordinance would require landscaping islands to be installed so that parking bays shall not have more than 12 parking spaces in a row without having a landscaped area. A new, but similar, regulation requires each terminus of a parking bay to supply a landscaping island. Each required landscaping island as described in this paragraph shall provide at least one tree and three shrubs. Owners/developers would have the choice of type, size, and location within the islands, but again would be restricted from planting more than 50 percent of required trees as evergreen.

Parking lots with more than one internal parking bay shall provide a landscaping island, stretching the entire length of every other parking bay at a minimum width of nine feet. Trees must be planted within these landscaping areas equivalent to the proportions and allowances for the required landscaping borders adjacent to public street ROWs.

With regard to parking garages, although they are a structure, the existing "parking lot" definition, also considers them to be a parking lot and thus would be required to meet the proposed parking lot landscaping requirements. Recognizing the difficulty and unrealistic expectations for a parking garage to meet all of the proposed requirements, staff prepared an exception specifically for parking garages. The exception states that all parking garages, except those constructed within the B-1, Central Business District, would have their own regulations. Rather than meeting a 15 percent landscaping requirement based upon the total area to be used for parking and maneuvering, parking garages would have to provide at least 15 percent landscaping based upon the total floorplate of the structure—the horizontal land area occupied by the building. Parking garages would also be exempt from having to provide any landscaping islands and the associated tree and shrubbery planting. These structures would be required to plant trees adjacent to the public street ROW. Parcels with parking garages would proportion the required tree planting based upon the entire lot frontage rather than parking lot frontage along a public street ROW. The proposal excludes parking garages built within the B-1 zoning district because of that district's unique characteristics of having no setback regulations. Among the other Zoning Ordinance changes as described herein, staff is proposing to eliminate parking garages as a by-right use in the B-1 zoning district and to place it into the special use permit

category to not only allow for coordination of appropriate landscaping, but also to permit more input relative to their impact on downtown streets. Surface parking lots would remain a use permitted by-right.

At the same time, staff is proposing to add parking garages to the R-6, R-7, and MX-U uses permitted by-right categories. Since those districts have mixed use opportunities, parking garages in those districts could be beneficial. As a plan of development is required with a rezoning application for these districts, impact on the public street can be reviewed at that time.

Other proposed regulations would include: owners/developers ensuring they are not impeding the sight distance standards of the DCSM, replacing dead or missing vegetation with like or similar vegetation within one calendar year, and abiding by the restriction that vehicle parking and/or the display of goods would be prohibited in landscaping islands and borders.

Recognizing that the required landscaping border separating parking lots from public street ROWs could overlap with general utility easements located in the same area, tree planting would still be required. Currently, planting within easements is not prohibited, but the City has the authority to remove any vegetation necessary to access, install, or maintain their infrastructure. Aside from replacing grass within these areas, the City is not responsible for replanting any other vegetation (i.e. trees, shrubbery, etc.).

The Public Utilities Department rarely uses general utility easements as water and sewer lines are typically located in the public street right-of-way and/or within public water and/or sewer easements exclusively for their infrastructure. These easements are typically granted/dedicated during site design and development when engineers are determining where water and sewer lines should be located. Often, water and sewer infrastructure is located under private pavement (i.e. streets, parking lots, etc.). Acknowledging, however, there could be times when public water and sewer lines could be located in required planting areas, whether they are overlapping required landscaping borders or required landscaping islands (as described below), the Public Utilities Department did not want to promote planting trees, and other deep rooted vegetation, within their easements. Thus, in coordination with the Public Utilities Department, staff included in the ordinance that required trees, and other deep rooted vegetation, shall not be planted within public water and/or sewer easements. In particular circumstances where no other area within the required location can accommodate the required planting, property owners/developers may ask for a waiver from such requirements from the Zoning Administrator.

The Harrisonburg Electric Commission (HEC) did not have issue with required tree planting in areas that could overlap easements they utilize and noted they are in support of the proposed ordinance. Most of HEC's infrastructure is installed underground before landscaping is planted, and they typically do not have issues with root systems affecting their infrastructure. Staff also discussed the issue that landscaping that could be required underneath overhead utility lines. HEC generally was not concerned with the potential conflict with overhead facilities as such issues could be flagged during the site plan review and tree planting locations within the required areas could be coordinated to remove or reduce conflicts.

All infringements related to this ordinance would be handled the same way as existing zoning violations. After initial compliance is confirmed, subsequent violations will primarily be found by investigation upon complaint. If violations are found, staff would send property owners a

certified notification informing them they would have 30 days to correct their violation, and if necessary, property owners would be taken to court to rectify the issue.

With regard to issues of non-conformance, the proposed ordinance specifies that an existing landscaping parking lot that is non-conforming to the minimum standards of the new regulations may be enlarged, but would be required to provide landscaping proportionate to any enlargement of the parking lot. For example, if a shopping center added additional square footage to their building requiring 24 additional parking spaces, and the owner/developer arranges those parking spaces as one, double loaded parking bay, then the parking bay must have at minimum a 280 square foot landscaping island at the terminus of each end with the required plantings. If the landscaped area of the required islands does not add up to 15 percent of the additional area used for parking, then somewhere on the property additional landscaping would have to be installed to meet the minimum standard. In addition, if in this example the property had an existing landscaping border adjacent to the public street ROW that was at least five feet in width, then the property owner would have to install trees within this border for the entire parking lot street frontage. Such trees would have to be planted meeting the same requirements and allowances of newly constructed, required landscaping borders.

Approving the proposed parking lot landscaping ordinance will add cost to developing in the City. Large developments with large parking lots would probably be affected the most, not only in cost to install all of the required landscaping, but also in the cost to build as more property would be needed to construct the development. Recognizing the above, it is very difficult to quantify and characterize the negative impacts this ordinance could have on development in the City. Regardless of negative impacts, staff believes the positive impacts outweigh the negative.

Adopting the proposed parking lot landscaping ordinance would help achieve two of the Comprehensive Plan's land use goals and one of their associated objectives (Table 1).

**Table 1: Comprehensive Plan Goals, Objectives, and Strategies Associated with Implementing New Parking Lot Landscaping Regulations**

Goal	Objective	Potential Implementing Strategy
Goal 1 – To improve the quality and compatibility of land use and development.	Objective 1.1 – To improve development and redevelopment that reinforces the City's unique character and sense of place.	Strategy 1.1.2 – To develop a set of design guidelines for new development and redevelopment based on these design elements. Such design guidelines might address such matters as: landscaping, preservation of green space, preservation of historic resources, placement of buildings and parking lots, building bulk and height, how buildings address the street, signage, and lighting.
Goal 8 – To preserve and enhance the City's natural resources and encourage	Objective 8.4 – To preserve and expand green spaces and tree planting in the City.	Strategy 8.4.5 – To consider adding street tree planting and other landscape requirements for

development that is compatible with nature.		new development and redevelopment in the City's land use codes.
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Staff recommends amending the Zoning Ordinance by modifying Section 10-3-11 Certificate of Occupancy, Section 10-3-17 Comprehensive Site Plan Review, Section 10-3-24 Definitions, Section 10-3-25 Off-Street Parking Regulations, adding Section 10-3-30.1 Parking Lot Landscaping, modifying Section 10-3-84 Uses Permitted By Right of the B-1 district, modifying Section 10-3-85 Uses Permitted By Special Use Permit of the B-1 district, and modifying Sections 10-3-56.3, 57.3, and 58.3 Uses Permitted By Right sections of the R-6, R-7, and MX-U districts, respectively.

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ORDINANCE AMENDING AND RE-ENACTING SECTION  
10-3-11  
OF THE  
CODE OF ORDINANCES  
CITY OF HARRISONBURG, VIRGINIA

**Be it ordained by the Council of the City of  
Harrisonburg, Virginia:**

That Section 10-3-11 be amended as follows:

Section 10-3-11. Certificate of Occupancy.

Add subsection (c) as shown:

- (c) Prior to submitting a request for a certificate of occupancy, the owner or developer shall have completed, or posted an approved surety for, all required improvements included on the approved comprehensive site plan, building permit, or revisions thereto.

The remainder of Section 10-3-11 is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the \_\_\_\_ day of \_\_\_\_\_, 2012.  
Adopted and approved this \_\_\_\_ day of \_\_\_\_\_, 2012.

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**MAYOR**

ATTESTE:

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CLERK OF THE COUNCIL

Draft

ORDINANCE AMENDING AND RE-ENACTING SECTION  
10-3-17  
OF THE  
CODE OF ORDINANCES  
CITY OF HARRISONBURG, VIRGINIA

**Be it ordained by the Council of the City of  
Harrisonburg, Virginia:**

That Section 10-3-17 (c) be amended as follows:

**Section 10-3-17. Comprehensive Site Plan Review**

**Add Subsection (c) by adding (9) as shown:**

(9) All details for meeting requirements of Section (insert approved section number).

The remainder of Section 10-3-17 is reaffirmed and reenacted in its entirety,  
except as hereby modified.

This ordinance shall be effective from the \_\_\_\_\_ day of \_\_\_\_\_, 2012.  
Adopted and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
**MAYOR**

ATTESTE:

\_\_\_\_\_  
CLERK OF THE COUNCIL

# Draft

## ORDINANCE AMENDING AND RE-ENACTING SECTION

10-3-24

OF THE

CODE OF ORDINANCES

CITY OF HARRISONBURG, VIRGINIA

## **Be it ordained by the Council of the City of Harrisonburg, Virginia:**

**That Section 10-3-24 be amended as follows:**

### **Section 10-3-24. Definitions.**

#### **Add the following definitions:**

*Caliper:* The diameter of a tree trunk measured in inches. At planting, the caliper shall be measured at six (6) inches above the ground for trees expected to be four (4) inch caliper size and below at maturity, and twelve (12) inches above the ground for trees expected to be larger than four (4) inches in caliper at maturity.

*Deciduous Shrub:* A low woody plant usually having multiple stems or branches that loses its foliage at the end of the growing season.

*Deciduous Tree, Large:* A tree that loses its foliage at the end of the growing season, which at maturity exceeds four (4) inches in caliper. When planted, these trees shall be at least two (2) inches in caliper and be a minimum of ten (10) feet in height. Multi-stem trees shall also be a minimum of ten (10) feet in height.

*Deciduous Tree, Small/Ornamental:* A tree that loses its foliage at the end of the growing season, which at maturity is (4) inches or less in caliper. When planted, these trees shall be at least one (1) inch in caliper and be a minimum of six (6) feet in height. Multi-stem trees shall also be a minimum of six (6) feet in height.

*Evergreen Shrub:* A low woody plant usually having multiple stems or branches and keeping its foliage all year.

*Evergreen Tree:* A tree that does not shed its foliage annually. When planted, these trees shall be at least six feet in height.

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*Landscaping:* Living vegetation primarily used to enhance property aesthetics, values, and/or to improve environmental conditions. Landscaping may include grasses, shrubbery, trees, and other vegetation. Mulch and/or stone shall be used only for the enhancement of vegetation. The use of mulch and/or stone alone is not considered landscaping.

*Landscaping Island:* An area that includes landscaping, within a parking lot, not used for parking, maneuvering, loading, travelways, or pedestrian ways.

*Outdoor Display Area:* An area generally considered accessible to the public that utilizes parking spaces or paved and/or graveled areas to display goods for sale, rental, or lease, except those areas counted as part of the gross floor area for purposes of calculating required parking. Goods include but are not limited to vehicles, recreation equipment, trailer sales, heavy equipment, manufactured homes, industrialized buildings, agricultural equipment, yard and landscaping equipment, and other similar products.

*Parking Bay:* Multiple parking spaces arranged in single or double loaded rows.

The remainder of Section 10-3-24 is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the \_\_\_\_\_ day of \_\_\_\_\_, 2012.  
Adopted and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

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**MAYOR**

ATTESTE:

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CLERK OF THE COUNCIL

# Draft

ORDINANCE AMENDING AND RE-ENACTING SECTION  
10-3-25  
OF THE  
CODE OF ORDINANCES  
CITY OF HARRISONBURG, VIRGINIA

## Be it ordained by the Council of the City of Harrisonburg, Virginia:

That Section 10-3-25 be amended as follows:

### Section 10-3-25. Off-Street Parking Regulations

**Remove subsection (3) and (4) and appropriately renumber the remaining subsections.**

- ~~(3) Definition of "Landscaping for Parking Lots": All parking lots for new buildings other than industrial sites requiring more than ten (10) parking spaces shall include well-defined and well-maintained landscaped areas equal to at least fifteen (15) percent of the total area to be used for parking, maneuvering and driveways on site. Parking spaces shall be separated from all right-of-way lines and property lines by a landscaped border not less than ten (10) feet in width or appropriate visual elements such as walls or fencing, except along adjoining lot lines which lie within a shared parking arrangement approved by a special use permit allowing for a zero side yard setback. Landscaping interior to the parking area or within a thirty-foot perimeter of the parking area shall be permitted to count towards meeting the fifteen (15) percent requirement. It is required that hardy trees or shrubs which are regional species be planted or saved, and that all planting and ground cover be either maintained or replaced.~~
- ~~(4) Definition of "Landscaping for Shopping Center Parking Lot": Shopping centers, as defined, shall provide well-defined and well-maintained landscaped areas equal to at least fifteen (15) percent of the total approved parking area which shall include not less than ten-foot wide landscaped borders or appropriate screening adjoining all right-of-ways and property lines. Until the fifteen (15) percent requirement is met, rows of parking spaces shall be divided at intervals of from eight (8) to twelve (12) parking spaces by a landscaped area at least five (5) feet in length. Intent of landscaping under subsection (3) shall apply.~~

The remainder of Section 10-3-25 is reaffirmed and reenacted in its entirety, except as hereby modified.

# Draft

This ordinance shall be effective from the \_\_\_\_\_ day of \_\_\_\_\_, 2012.  
Adopted and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

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**MAYOR**

ATTESTE:

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CLERK OF THE COUNCIL

# Draft

ORDINANCE ADDING SECTION  
10-3-30.1  
OF THE  
CODE OF ORDINANCES  
CITY OF HARRISONBURG, VIRGINIA

## Be it ordained by the Council of the City of Harrisonburg, Virginia:

That Section 10-3-30.1 be added as follows:

### Sec. 10-3-30.1 Parking Lot Landscaping.

This section is applicable to all uses, except single family detached and duplex dwelling units. Reference the Design and Construction Standards Manual Example Parking Lot Landscaping drawings (*insert drawing number and insert drawing number*).

- (a) Parking lots shall be separated from public street right-of-way lines by a landscaping border not less than ten (10) feet in width.
- (b) Parking lots shall be separated from all side and rear property lines by a landscaping border not less than ten (10) feet in width or by a wall or fence of at least three (3) feet in height, except along adjoining lot lines which lie within a shared parking arrangement.
- (c) All parking lots shall include well-defined and well-maintained landscaping areas equal to at least fifteen (15) percent of the total area to be used for parking, maneuvering, loading, and travelways on site. Uses that have outdoor display areas shall include those areas for determining the required landscaping. Only landscaping within the parking lot and/or within a thirty (30) foot perimeter of the parking lot, exclusive of the required landscaping border adjacent to public street right-of-ways and landscaping immediately adjacent (within five (5) feet) to a principal building/structure, shall be permitted to count towards meeting the fifteen (15) percent requirement.
  - (1) *Parking Garage Exception.* All parking garages, except those constructed within the B-1, Central Business District, shall calculate the required landscaping area based upon fifteen (15) percent of the total floorplate of the parking garage. Trees shall be planted and maintained on the property adjacent to, and no less than twenty (20) feet from, public street right-of-ways based upon

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the proportions as specified within 10-3-30.1 (d) (1), (2), (3), and/or (4), except such proportions shall be calculated using the public street frontage of the parcel. Parking garages, as specified herein, are exempt from the requirements set forth in 10-3-30.1 (e), (f), (g), (h), and (i).

- (d) Trees shall be planted and maintained within landscaping borders adjacent to public street right-of-ways according to one of the following:
  - (1) No less than one (1) large deciduous tree planted for every forty (40) linear feet of parking lot street frontage, or fraction thereof. At the time of planting, tree sizes shall meet the requirements as defined in Section 10-3-24 Definitions. Tree locations within the border are at the discretion of the property owner/developer.
  - (2) No less than one (1) small/ornamental deciduous tree, planted for every twenty-five (25) linear feet of parking lot street frontage, or fraction thereof. At the time of planting, tree sizes shall meet the requirements as defined in Section 10-3-24 Definitions. Tree locations within the border are at the discretion of the property owner/developer.
  - (3) No less than one (1) evergreen tree may be planted for every twenty-five (25) linear feet of parking lot street frontage, or fraction thereof. Evergreen trees shall not exceed fifty (50) percent of the number trees planted within the border. At the time of planting, trees shall meet the requirements as defined in Section 10-3-24. Tree locations within the border are at the discretion of the property owner/developer.
  - (4) No less than a combination of large and small/ornamental deciduous and/or evergreen trees proportionate to 10-3-30.1 (d) (1) (2), and (3). Tree locations within the border are at the discretion of the property owner/developer.
- (e) Each terminus of a parking bay, unless adjacent to a landscaping border, shall have a landscaping island. A single row parking bay shall have an island with a minimum of 140 square feet. A double row parking bay shall have an island with a minimum of 280 square feet.
- (f) Rows of parking spaces shall be divided at intervals of no more than twelve (12) parking spaces by a landscaping island of no less than 140 square feet.
- (g) Each required landscaping island, as described in 10-3-30.1 (e) and (f), shall have and maintain at least one (1) large deciduous tree, one (1) small/ornamental deciduous tree, or one evergreen tree. At the time of planting, tree sizes shall meet the requirements as defined in Section 10-3-24 Definitions. The planting of evergreen trees shall not exceed fifty (50) percent of the number of trees planted in landscaping islands. In addition,

# Draft

at least three (3) deciduous or evergreen shrubs, at least 18 inches tall at the time of planting, shall be planted and maintained within each required landscaping island. Landscaping islands that are less than five (5) feet in width are not required to provide large or small/ornamental deciduous trees or deciduous or evergreen shrubs.

- (h) Parking lots shall have landscaping of at least nine (9) feet in width for the entire length of every other interior parking bay, connecting the landscaping islands required above. Trees shall be provided at no less than one (1) large deciduous tree planted for every forty (40) linear feet of island length, or fraction thereof; no less than one (1) small/ornamental deciduous tree, planted for every twenty-five (25) linear feet of island length, or fraction thereof; no less than one (1) evergreen tree planted for every twenty-five (25) linear feet of island length, or fraction thereof; or no less than a combination to the above mentioned proportions. The planting of evergreen trees shall not exceed fifty (50) percent of the number of trees planted in this landscaping area. At the time of planting, tree sizes shall meet the requirements as defined in Section 10-3-24 Definitions. Tree locations within this landscaping area are at the discretion of the property owner/developer. Parking lots with two (2) or less internal parking bays are exempt from this requirement.
- (i) All areas within the parking lot, not used for parking spaces, travelways, or pedestrian ways, shall be landscaped.
- (j) All landscaping shall be located as to not interfere with the adequate sight distance standards as specified within the Design and Construction Standards Manual.
- (k) All required landscaping is suggested to be of regional species and planted in accordance with the International Society of Arboriculture.
- (l) Vehicle parking and/or the display of goods in landscaping islands and borders is prohibited.
- (m) Owner(s) and their agent(s), heirs, or assigns shall be responsible for the installation, preservation and maintenance of all planting and physical features required to satisfy the conditions of this section. Any dead or missing vegetation shall be replaced (with like or similar vegetation) within one (1) calendar year of the vegetation's death.
- (n) *Required Planting in Easements:* Required trees, and other deep rooted vegetation, shall not be planted within public water and/or sewer easements. In particular circumstances where no other area within the required location can accommodate the required planting, such planting may be waived by the Zoning Administrator. Required planting in public

# Draft

general utility easements shall be coordinated with the Department of Public Utilities.

- (o) *Landscaping Plan Submittal*: Landscaping information shall be submitted with a comprehensive site plan and/or, if applicable, with a building permit, with a plan of the property at an appropriate scale to show accordance with this section. The plan shall be appropriately labeled and shall provide the following information:
- The calculation of the required landscaping area as specified in 10-3-30.1 (c).
  - The location, size, and schedule of all proposed landscaping with the dimensions of landscaped areas indicated. Plant materials may be indicated in generic terms (i.e. large deciduous tree or small/ornamental deciduous tree, etc.).
  - Existing healthy trees or wooded areas, where such trees are required, may be preserved in lieu of planting new materials to meet the landscaping requirements. In such case, the landscaping plan shall indicate the trees and areas to be saved.
  - Verification that landscaping will not impede sight distance.
- (p) *Non-conforming Landscaping*: An existing building/use that has parking lot landscaping that is non-conforming as to the minimum landscaping requirements of this section may be enlarged; however, required landscaping shall be provided at least proportionate to any enlargement of the parking lot. Any enlargement of a parking lot on any property having an existing landscaping border separating parking spaces from public street right-of-way lines, which is five (5) feet or larger, shall provide trees within the border as required by 10-3-30.1 (d).

This ordinance shall be effective from the \_\_\_\_\_ day of \_\_\_\_\_, 2012.  
Adopted and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

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**MAYOR**

ATTESTE:

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CLERK OF THE COUNCIL

Draft

ORDINANCE AMENDING AND RE-ENACTING SECTION  
10-3-56.3  
OF THE  
CODE OF ORDINANCES  
CITY OF HARRISONBURG, VIRGINIA

**Be it ordained by the Council of the City of  
Harrisonburg, Virginia:**

That Section 10-3-56.3 be amended as follows:

**Section 10-3-56.3. Uses Permitted By Right.**

**Add subsection (o) as shown**

(o) Parking garages.

The remainder of Section 10-3-56.3 is reaffirmed and reenacted in its entirety,  
except as hereby modified.

This ordinance shall be effective from the \_\_\_\_ day of \_\_\_\_\_, 2012.  
Adopted and approved this \_\_\_\_ day of \_\_\_\_\_, 2012.

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**MAYOR**

ATTESTE:

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CLERK OF THE COUNCIL

Draft

ORDINANCE AMENDING AND RE-ENACTING SECTION  
10-3-57.3  
OF THE  
CODE OF ORDINANCES  
CITY OF HARRISONBURG, VIRGINIA

**Be it ordained by the Council of the City of  
Harrisonburg, Virginia:**

That Section 10-3-57.3 be amended as follows:

**Section 10-3-57.3. Uses Permitted By Right.**

Add subsection (q) as shown

(q) Parking garages.

The remainder of Section 10-3-57.3 is reaffirmed and reenacted in its entirety,  
except as hereby modified.

This ordinance shall be effective from the \_\_\_\_ day of \_\_\_\_\_, 2012.  
Adopted and approved this \_\_\_\_ day of \_\_\_\_\_, 2012.

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**MAYOR**

ATTESTE:

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CLERK OF THE COUNCIL

Draft

ORDINANCE AMENDING AND RE-ENACTING SECTION

10-3-58.3

OF THE

CODE OF ORDINANCES

CITY OF HARRISONBURG, VIRGINIA

**Be it ordained by the Council of the City of  
Harrisonburg, Virginia:**

**That Section 10-3-58.3 be amended as follows:**

**Section 10-3-58.3. Uses Permitted By Right.**

**Add subsection (20) as shown**

(20) Parking garages.

The remainder of Section 10-3-58.3 is reaffirmed and reenacted in its entirety,  
except as hereby modified.

This ordinance shall be effective from the \_\_\_\_\_ day of \_\_\_\_\_, 2012.  
Adopted and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
**MAYOR**

ATTESTE:

\_\_\_\_\_  
CLERK OF THE COUNCIL

Draft

ORDINANCE AMENDING AND RE-ENACTING SECTION  
10-3-84  
OF THE  
CODE OF ORDINANCES  
CITY OF HARRISONBURG, VIRGINIA

**Be it ordained by the Council of the City of  
Harrisonburg, Virginia:**

**That Section 10-3-84 be amended as follows:**

**Section 10-3-84. Uses Permitted By Right**

**Amend subsection (7) as shown**

(7) ~~Public and privately owned Parking lots, and parking garages.~~

The remainder of Section 10-3-84 is reaffirmed and reenacted in its entirety,  
except as hereby modified.

This ordinance shall be effective from the \_\_\_\_ day of \_\_\_\_\_, 2012.  
Adopted and approved this \_\_\_\_ day of \_\_\_\_\_, 2012.

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**MAYOR**

ATTESTE:

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CLERK OF THE COUNCIL

Draft

ORDINANCE AMENDING AND RE-ENACTING SECTION

10-3-85

OF THE

CODE OF ORDINANCES

CITY OF HARRISONBURG, VIRGINIA

**Be it ordained by the Council of the City of  
Harrisonburg, Virginia:**

That Section 10-3-85 be amended as follows:

**Section 10-3-85. Uses Permitted By Special Use Permit.**

**Add subsection (8) as shown**

(8) Parking garages.

The remainder of Section 10-3-85 is reaffirmed and reenacted in its entirety,  
except as hereby modified.

This ordinance shall be effective from the \_\_\_\_ day of \_\_\_\_\_, 2012.  
Adopted and approved this \_\_\_\_ day of \_\_\_\_\_, 2012.

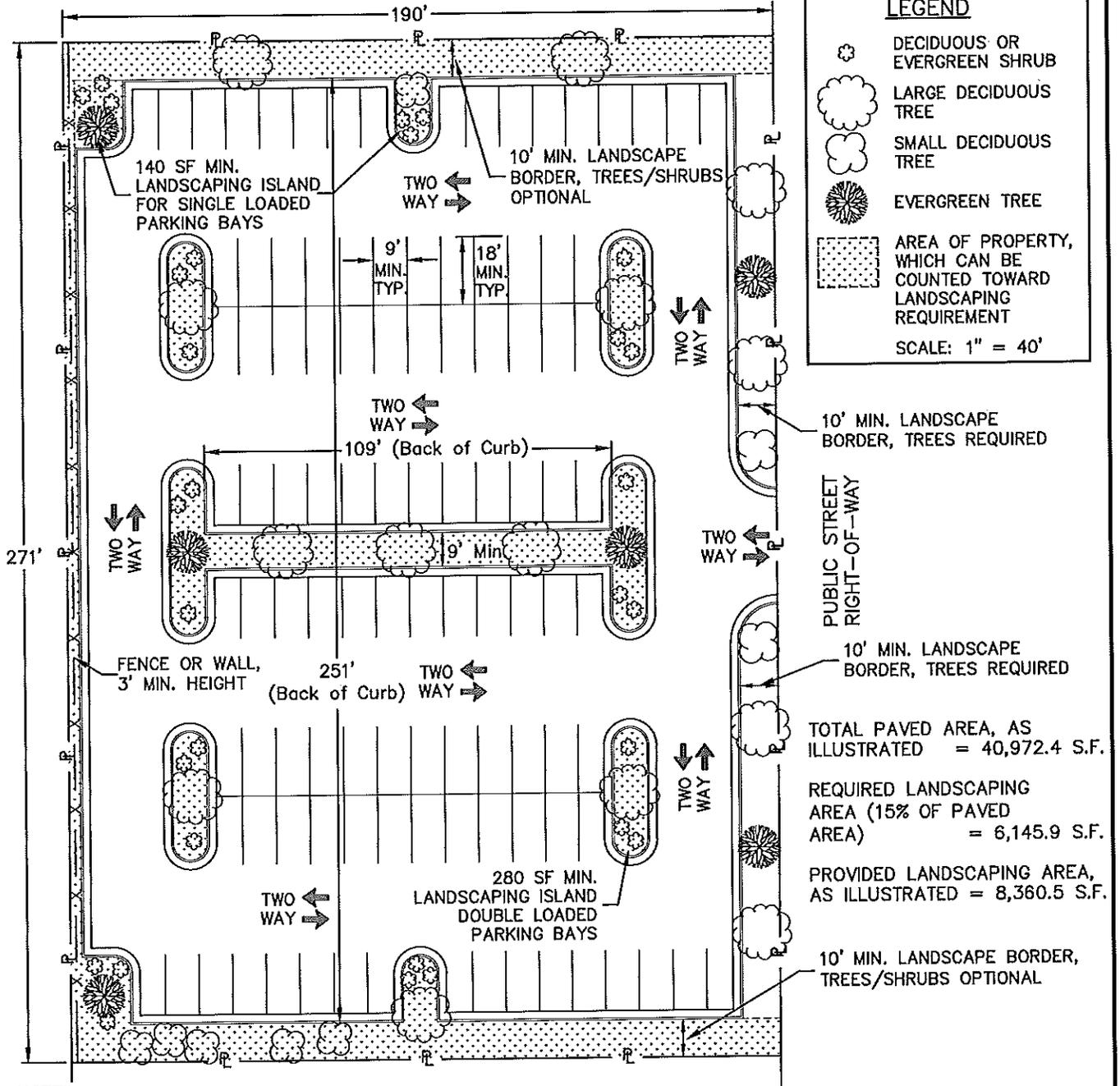
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**MAYOR**

ATTESTE:

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CLERK OF THE COUNCIL



**NOTES**

1. For all parking lot, parking garage, and other paved area landscaping requirements, reference the Zoning Ordinance Section 10-3-30.1.
2. For definitions of landscaping, landscaping island, vegetation types and specifications, and others, reference the Zoning Ordinance Section 10-3-24.
3. Planting locations within required landscaping areas are at the discretion of the property owner/developer.
4. All landscaping shall be located as to not interfere with the adequate sight distance standards as specified within the Design and Construction Standards Manual.

REVISIONS			
NO.	DATE	DESCRIPTION	INIT.

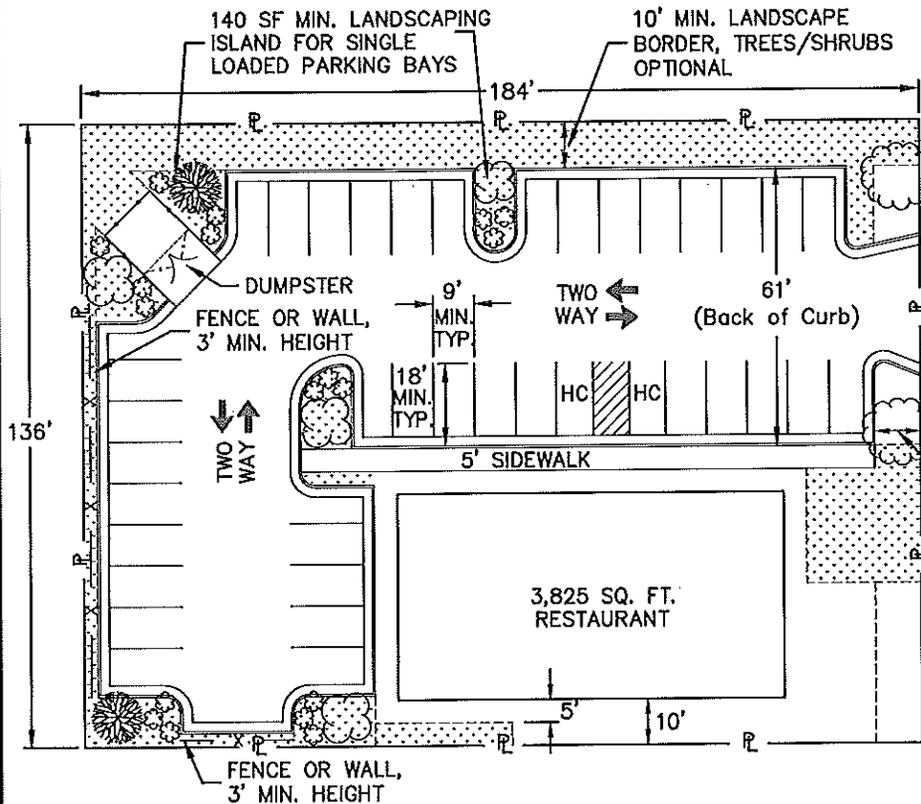
**EXAMPLE A  
PARKING LOT  
LANDSCAPING**

DWG. NO.	???
PAGE	?

TOTAL PAVED AREA, AS ILLUSTRATED = 12,978.0 S.F.

REQUIRED LANDSCAPING AREA (15% OF PAVED AREA) = 1,946.7 S.F.

PROVIDED LANDSCAPING AREA, AS ILLUSTRATED = 4,496.7 S.F.



PUBLIC STREET RIGHT-OF-WAY

10' MIN. LANDSCAPE BORDER, TREES REQUIRED

**LEGEND**

- DECIDUOUS OR EVERGREEN SHRUB
- LARGE DECIDUOUS TREE
- SMALL DECIDUOUS TREE
- EVERGREEN TREE
- AREA OF PROPERTY, WHICH CAN BE COUNTED TOWARD LANDSCAPING REQUIREMENT

SCALE: 1" = 40'

**NOTES**

1. For all parking lot, parking garage, and other paved area landscaping requirements, reference the Zoning Ordinance Section 10-3-30.1.
2. For definitions of landscaping, landscaping island, vegetation types and specifications, and others, reference the Zoning Ordinance Section 10-3-24.
3. Planting locations within required landscaping areas are at the discretion of the property owner/developer.
4. All landscaping shall be located as to not interfere with the adequate sight distance standards as specified within the Design and Construction Standards Manual.
5. Only landscaping within the parking lot and/or within a thirty (30) foot perimeter of the parking lot, exclusive of the required landscaping border adjacent to public street right-of-ways and landscaping immediately adjacent (within five (5) feet) to a principal building/structure, shall be permitted to count towards meeting the fifteen (15) percent requirement.

REVISIONS			
NO.	DATE	DESCRIPTION	INIT.

**EXAMPLE B  
PARKING LOT  
LANDSCAPING**

DWG. NO.  
???

PAGE  
?

## December 2011 Proactive-Zoning Report

For the month of December 2011 the proactive-zoning program targeted the **Wyndham Woods** section of the city. During the proactive inspections a total of two violations were found. The violations consisted of inoperable vehicles and discarded materials.

MONTH	SECTOR	4 <sup>th</sup> CYCLE VIOLATIONS	CORRECTED	1 <sup>st</sup> CYCLE	2 <sup>nd</sup> CYCLE	3 <sup>rd</sup> CYCLE
December 2011	Wyndham Woods	2	n/a	2	0	4
January 2012	Northfield			21	6	19
February 2012	Purcell Park			7	6	5
March 2012	Parkview			19	7	16
April 2012	Northeast			80	45	63
May 2012	Ind./Tech Park			0	1	0
June 2012	Exit 243			10	0	1
July 2012	Fairway Hills			1	0	0
August 2012	Smithland Rd.			0	4	0
September 2012	N. Main St.			13	4	4
October 2012	Liberty St.			6	4	18
November 2012	Westover			18	8	17
December 2012	Garber's Church			1	2	1
January 2013	Spotswood Acres			6	4	1
February 2013	Jefferson St.			26	22	35
March 2013	Forest Hills/JMU			6	1	1
April 2013	S. Main St.			1	0	2
May 2013	Hillandale			7	5	17
June 2013	Maplehurst/JMU			6	5	2
July 2013	Long Ave/Norwood			12	28	17
August 2013	Greystone			13	10	13
September 2013	Greendale/SE			3	2	5
October 2013	Ramblewood			4	8	1
November 2013	Stone Spring Village/JMU			2	10	0
December 2013	Sunset Heights			7	29	10
January 2014	Reherd Acres			10	12	9
February 2014	RT 33 West			0	16	6
March 2014	Chicago Ave			16	22	29
April 2014	Pleasant Hill			4	13	17
May 2014	Avalon Woods			7	26	11
June 2014	Waterman Elementary			6	61	18
July 2014	Keister Elem			6	5	8
August 2014	500-600 S. Main			7	30	16
September 2014	Court Square			0	3	2
October 2014	Bluestone Hills & Valley Mall			3	33	31
November 2014	Preston Heights			8	3	1

The proactive-zoning program for January 2012 will be directed towards the enforcement of the Zoning Ordinance in the **Northfield** section of the City.



# City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

STAFF REPORT  
January 11, 2012

## Current Zoning Regulations Regarding Telecommunications

The following report describes the City's current zoning regulations regarding telecommunications towers and equipment. In brief, three zoning districts—B-1, B-2, and M-1—allow private, commercial telecommunications structures through by-right permission or by approval of a special use permit (SUP). Such towers should not be confused with "communications facilities necessary for public safety purposes" or private amateur radio antennas.

The Zoning Ordinance does not define "telecommunications" or "telecommunications equipment;" the term associated with such systems is "communications tower," and is defined as: *a structure that is intended to send and/or receive radio, television and other telecommunications signals.* It is interpreted that this definition includes stand alone towers as well as co-location equipment on buildings and other structures. Nevertheless, the Zoning Ordinance is not consistent with its use of "communications tower" and sometimes only refers to "telecommunications," which staff treats the same as "communications tower" and "communications facilities."

Other than its occurrence in Article F. Definitions, "communications tower" is only referenced three times. First, it occurs within Section 10-3-91, which is the special use permit (SUP) section of the B-2, General Business District. It is listed as subsection (4), where it states: *Communications tower no more than one hundred twenty-five (125) feet in height.* There have been several such SUPs approved in the past, and in 2011, the City approved two requests for this SUP. The first was in July for the property at 130 University Boulevard, at the corner of University Boulevard and Evelyn Byrd Avenue, where Verizon co-located on an existing tower, which now reaches 79 feet in height. The second request occurred recently in November and was located at 1106 Reservoir Street, where AT&T will erect a 125-foot tower. As most are aware, SUPs require public hearings with advertisements in the newspaper, postings of property, notifications sent to adjacent property owners, Planning Commission review, and a decision by City Council.

"Communications tower" is next referenced in Section 10-3-96, which is the M-1, General Industrial District's uses permitted by-right category, listed as subsection (15). The language is exactly the same as that within the B-2 SUP section, where the only difference is the use is by-right and not by SUP. These uses only require administrative approval that could include comprehensive site plan review and obtaining building, electrical, or mechanical permits. An example of a property owner that took advantage of this by-right allowance is at 922 South High Street. This tower is located near Keister Elementary School's Central Avenue parking lot, but it is accessible from South High Street, diagonally across the street from the Taste of Tai

restaurant. It was permitted in January 2007 and reaches a height of 120 feet. The City does not have an easy way to query records to determine exactly how many towers or co-locations on these towers have been permitted per this by-right use.

The last section of the Zoning Ordinance where "communications tower" is referenced is within the SUP category of the M-1, General Industrial District at 10-3-97 (6). The language within that subsection states: *Communications towers more than one hundred twenty-five (125) feet in height.* There have been only two such SUPs reviewed and approved by City Council. The first was in June 2003, when City Council approved a SUP that granted permission to Verstandig Broadcasting to bring their non-conforming, 350-foot towers into conformance with the Zoning Ordinance. The towers are located near Garbers Church Road and were annexed into the City in 1983. The other SUP was located at 30 Kratzer Avenue, where, in August 2004, Nextel Partners requested to co-locate communications equipment at the top of the Cargill Turkey Products, LLC feed tower, which stands at 185 feet in height. Although the SUP was approved, to staff's knowledge, Nextel never co-located their equipment on the feed tower.

The B-1, Central Business District also allows telecommunications equipment, however, the regulations within this district do not refer to the use as "communications tower," but rather as "telecommunications equipment and facilities," which, as a reminder, is not defined by the Zoning Ordinance. This district allows two different uses related to telecommunications. The first is within Section 10-3-84 (9), which permits telecommunications equipment and facilities by-right, provided such equipment and facilities are located in an enclosed structure. This use was added to the list of by-right uses of the B-1 district in 1994 when Shentel wanted to allow telecommunications equipment in the B-1 zoning district as a principle use in a building where they had no offices. The amendment was approved and they subsequently located within the building at 151 South Mason Street. To staff's knowledge, 151 South Mason Street is the only property that has this use. Also in B-1, Section 10-3-85 (2) allows telecommunications equipment and facilities not located in an enclosed structure by SUP. There have been four such requests and all were approved. The first occurred in December 2003 when Shentel received approval to locate on the rooftop of the building at 2 South Main Street (the building at the corner of Court Square and East Market Street). A second permit was approved in July 2005 to allow Verizon to also co-locate on the same rooftop. Then, in August 2005, Cellone received approval to locate on the rooftop of 101 North Main Street (also known as Harrison Plaza where the Police Department, the Fire Department, and the Emergency Communications Center (ECC) is located). Finally, in October 2006, Alltel received approval to also co-locate on the rooftop of Harrison Plaza. Since the time of the Harrison Plaza co-location SUPs, there has been an administrative acceptance of the concept that the City does not have to abide by its own zoning regulations.

There has been some confusion regarding the issue of "co-location." It should be understood that any telecommunications company can co-locate on any structure or building in the B-1, B-2, and M-1 zoning districts so long as they abide by the zoning regulations, which may require SUP approval, and, if necessary, submit and receive approval of a comprehensive site plan and further obtain the proper building, electrical, or mechanical permits. It is up to individual property owners and the interested party to determine if existing structures and buildings have the physical capacity to allow co-location, and if necessary, these individuals are working in cooperation with the City's Building Inspections Division in receiving approval of appropriate permits, which may be related to a building's structural/physical capacity. One example of a co-

location on a building in the B-2 district is on the Holiday Inn structure at 1400 East Market Street. In 2006, T-Mobile received approval of a SUP and mounted their panels to the side of the building. The panels are painted the same color as the building and are disguised extremely well. Although the properties are zoned residentially, co-location is also permitted on the City-owned public safety tower at Tower Street, the water tank at Tower Street, and at the tower behind Stone Spring Elementary School.

To be clear, “communications facilities necessary for public safety purposes” are permitted by SUP in all zoning districts except R-5, R-6, R-7, and MX-U. The use of communication facilities was added to the Zoning Ordinance in 2005 (prior to the creation of the R-5, R-6, R-7, and MX-U districts) in preparation of the installation of the public safety towers now located at Tower Street and near Stone Spring Elementary School. Both properties were granted SUPs in 2005 and both towers reach 199 feet in height. Per ordinance, these towers may reach 200 feet in height, and they may also include rental of space to private communication service providers. Private amateur radio antennas are permitted in all residential districts, including the MX-U district, when such structures are intended for public service and emergency use. These antennas may exceed the height otherwise established within the district so long as the height is justified for proper radio communications. Examples of such antennas would be amateur or ham radio antennas.

Staff does not have an inventory of every communications equipment or tower in the City nor do we know of every structure that may have co-location of telecommunications equipment. With this, it should be recognized that telecommunications equipment could be located on structures that may somehow be non-conforming, or they could even be located in an illegal fashion—meaning they did not receive appropriate permission or located in a place that, by ordinance, would not be permitted. We appreciate when property owners/telecommunication providers contact us regarding location and co-location opportunities; first, so we can ensure they abide by all governing regulations, but also so we can inform the ECC of the situation to ensure that it does not disrupt their communications systems.

# Harrisonburg Planning Commission



## 2011 Annual Report

**Harrisonburg Planning Commission**  
2011 Annual Report

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Planning Commission Membership

W. L. Jones, Jr.  
Chairman

Deb Fitzgerald  
Vice Chairman

Charles Chenault  
Council Member

MuAwia Da'Mes  
Board of Zoning Appeals Member

Judith Dilts

Alan Finks

Henry Way

## Harrisonburg Planning Commission

### 2011 Annual Report

#### Rezoning

Request	Planning Commission Action	Date	City Council Action
724 – 740 Grant Street B-2 to R-2 039 ORR 011 003 011	Recommended for approval (5-0)	01-12-11	Approved
440 South Main Street B-2C Proffer Amendment 026 00O 02A 001 011	Recommended for approval (5-0)	04-13-11	Approved
120 West Wolfe Street B-1C Proffer Amendment 035 00O 004 002 011	Recommended for approval (7-0)	09-14-11	Approved
Brookside Park 2011 Amendment Submission #2 040 00A 024A 003 011	Recommended for approval (7-0)	09-14-11	Approved
136/152 W. Elizabeth Street M-1 to B-1 and B-1C 035 00S 006 003 011	Recommended for approval (7-0)	12-14-11	TBD

#### Special Use Permits

Request	Planning Commission Action	Date	City Council Action
The Angle (Velocity Property Group) – Apts. In R-3 10-3-48.4(6) 084 00B 020 004 011	Continued by applicant at PC hearing Recommended for approval (4-3)	01-12-11 02-09-11	— Approved
Cale Property – Fence Height 10-3-34 (9) 023 00W 002 001 011	Recommended for approval (7-0)	03-09-11	Approved
231 Sunrise Avenue – Fence Height 10-3-34 (9) 023 00B 047 003 011	Recommended for approval (7-0)	05-11-11	Approved
862 North Liberty Street – Rec. Activity 10-3-97 (10) 040 00N 040 002 011	Recommended for approval (7-0)	05-11-11	Withdrawn prior to CC

## Harrisonburg Planning Commission

### 2011 Annual Report

130 University Blvd – Verizon Wireless 125 ft co- location 10-3-91 (4) 078 00C 001 001 011	Recommended for approval (5-0)	07-13-11	Approved
120 West Wolfe Street – repair vehicles 10-3-85 (4) 035 00O 004 001 011	Recommended for approval (4-1)	07-13-11	Approved
VMRC Fence Height 10-3-48.4 (8) 052 00D 009 001 011	Recommended for approval (5-0)	11-09-11	Approved
1559 Red Oak Street - Rec. Activity 10-3-97 (10) 056 00G 001 005 011	Recommended for approval (5-0)	11-09-11	Approved
1106 Reservoir Street Comm. Tower 10-3-91 (4) 014 00L 000 001 011	Recommended for approval (3-2)	11-09-11	Approved

### **Street and Alley Closings**

<b>Request</b>	<b>Planning Commission Action</b>	<b>Date</b>	<b>City Council Action</b>
Street closing – intersection Bruce St. and Old South High St. (adj. to 25-C-14)	Recommended for approval (5-0)	07-13-11	Approved

### **Master Plan Amendments**

<b>Request</b>	<b>Planning Commission Action</b>	<b>Date</b>	<b>City Council Action</b>
2010 Forest Hills Manor	Recommended for approval (7-0)	05-11-11	—
VMRC Woodland Greenhouses 2011 Master Plan Amendment	Recommended for approval (6-0)	06-08-11	Approved

## Harrisonburg Planning Commission

2011 Annual Report

### **Ordinance/Comprehensive Plan Amendments**

<b>Request</b>	<b>Planning Commission Action</b>	<b>Date</b>	<b>City Council Action</b>
Zoning Ordinance Amend. 10-3-48.6 (b) and (c)	Recommended for approval (7-0)	02-09-11	Approved
Zoning Ordinance Amend. fences to exceed height req. 10-3-34, 40, 46, 48.4, 52, 55.4, 56.4, 57.4	Recommended for approval (7-0)	03-09-11	Approved
Subdivision Ordinance Amend. – Sidewalk Improvement 10-2-61	Recommended for approval (5-0)	04-13-11	Approved
2011 Comprehensive Plan Update	Recommended for approval (5-0)	04-13-11	Approved
Zoning Ordinance Amend. Application Fee Increases 10-3-118 and 10-3-139 (c)	Recommended for approval (4-0)	08-10-11	Approved
Zoning Ordinance Amend. Penalties 10-3-13	Recommended for approval (4-0)	08-10-11	Approved
Subdivision Ordinance Amendment – update fees 10-2-23 and 25	Recommended for approval (7-0)	09-14-11	Approved
Multiple Zoning Ordinance Amendments with UDA Grant	Recommended for approval (7-0)	12-14-11	TBD
Multiple Subdivision Ordinance Amendments with UDA Grant	Recommended for approval (7-0)	12-14-11	TBD

### **Other**

<b>Request</b>	<b>Planning Commission Action</b>	<b>Date</b>	<b>City Council Action</b>
Bicycle and Pedestrian Plan Amendment	Recommended for approval (7-0)	02-09-11	Approved

## Harrisonburg Planning Commission

### 2011 Annual Report

Harrisonburg-Rockingham Chamber of Commerce Vision 2020	Recommended to support (5-0)	04-13-11	Approved
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### **Preliminary Plats**

<b>Request</b>	<b>Planning Commission Action</b>	<b>Date</b>	<b>City Council Action</b>
The Angle (Velocity Property Group) Foley Rd. 084 00B 020 003 011	Continued by applicant at PC hearing	01-12-11	_____
	Recommended for approval (6-1)	02-09-11	Approved
Lady Slipper Court (2011 Resubmission) 081-00A 012 001 011	Recommended for approval (7-0)	05-11-11	Approved
Traber Plat Variance (Garbers Church Road) 123 000 001 020 010	Recommended for approval (5-0)	07-13-11	Approved
Resubdivision of Lot 2, Deyerle Sub., Sect 25 (Litten & Sipe Property) 080 00B 002 001 011	Recommended for approval (7-0)	09-14-11	_____

### **MEETINGS AND WORKSESSIONS**

***📖 Total Number of Regular Meetings: 11***

#### *Meeting Dates:*

January 12, 2011	July 13, 2011
February 9, 2011	August 10, 2011
March 9, 2011	September 14, 2011
April 13, 2011	November 9, 2011
May 11, 2011	December 14, 2011

### ***📖 Planning Commission Work Sessions & Other Meetings***

#### *Meeting Dates:*

January 12, 2011 Comprehensive Plan Worksession  
March 23, 2011 Comprehensive Plan Public Input Session

# Department of Planning and Community Development

## Report of Annual Activity

Planning and Zoning Division

2011



CITY OF HARRISONBURG, VIRGINIA



## ZONING ACTIVITIES

Inspection of Zoning Requirements	278
Proactive Zoning Violations	150
Home Occupations Permits Issued	93
Comprehensive Site Plans Reviewed	60
Sign Permits Issued	104
Building Permits Reviewed	438

## SUMMARY OF THE BOARD OF ZONING APPEALS (BZA) ACTIVITY

The Board of Zoning Appeals heard seven cases in 2011. Five were setback variance requests and two were appeals of an administrative decision. All five variance requests were granted, while one appeal was granted in favor of the applicant and the other was withdrawn.

## PROACTIVE ZONING ENFORCEMENT

Sector	Date	Violations Cited
Reherd Acres	January 2011	9
RT 33 West	February 2011	6
Chicago Avenue	March 2011	29
Pleasant Hill	April 2011	17
Avalon Woods	May 2011	11
Waterman Elementary	June 2011	18
Keister Elementary	July 2011	8
500-600 South Main Street	August 2011	16
Court Square	September 2011	2
Bluestone Hills & Valley Mall	October 2011	31
Preston Heights	November 2011	1
Wyndham Woods	December 2011	2

### MINOR SUBDIVISIONS

Request	Case Number	Staff Action	Date	Deed Book/Page
Oletha Lotts Sub. (Smithland Road)	064 00A 006 001 011	Approved	01-10-11	3842/427
H. Kirk Hardy Subdivision	008 00G 006 001 010	Approved	10-05-11	3942/412
EMU Property Line Vacation	052 00A 036 001 010	Approved	01-10-11	3823/197
Re-div. of lot 3 Spotswood Est. Sub.	065 00A 008 001 010	Approved	02-23-11	3842/403
Lot 179 Harmony Hts. Section 11	053 00L 012 001 011	Approved	01-28-11	3835/667
Lot Line Vac. Corner of Myrtle & Kelley (HRHA)	034 00D 023 001 011	Approved	03-04-11	3846/647
Division of Lot 6, Fanny Lupton Addition	040 00V 006 001 011	Approved	04-06-11	3859/679
Conrad Reherd Add. Lot Line Vac. (Keller)	023 00B 018 002 011	Approved	04-05-11	3861/116
Lot Line Vac. Fairview Addition (Kuethe)	011 00E 012 001 011	Approved	04-05-11	3859/654
Christian Student Union Lot Line Vac.	025 00L 005 001 011	Approved	04-06-11	3875/50
Pike Mennonite Church Property Line Vacation	107 00B 001 001 011	Approved	07-22-11	3913/618
Division of Lot A, Spotswood Acres Subdivision	029 00A 001 001 011	Approved	06-29-11	3897/499
Block 4, Conrad-Reherd Addition (Howdysshell)	023 00B 047 004 011	Approved	07-12-11	3902/633
Plat of Block 8, Fairview Addition, Lots 14 & 15	011 00N 014 002 011	Approved	07-11-11	3902/281
S.C. Good Sub. Lot Line Vacations Lots 14-18	040 00A 014 004 011	Approved	08-15-11	3917/1

Lot Line Vac. Between Lots 29 & 39 (C.H. Heltzel Add.)	041 00F 029 001 011	Approved	09-28-11	3939/279
Consolidation of Lots 4, 5, 6, & 7 Wise's Addition	039 00Z 006 002 011	Approved	10-17-11	3977/203
Lots 67 & 68 of the Conrad-Reherd Addition (Giovanetti)	023 00D 067 005 011	Approved	10-13-11	3946/738

**FINAL PLATS**

<b>Request</b>	<b>Case Number</b>	<b>Staff Action</b>	<b>Date</b>	<b>Deed Book/Page</b>
Charleston Townes, Section Three	080 00A 004 003 010	Approved	05-24-11	3881/392
Charleston Townes, Section Four	080 00A 005 002 011	Approved	07-26-11	3907/245
Lady Slipper Court	081 00A 012 002 011	Approved	09-21-11	3935/694
Resub. Of Lot 2, Deyerle Sub. Section 25 (Litten & Sipe)	080 00B 002 003 011	Approved	10-07-11	3944/733